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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT	PAPER NUMBER
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2685

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DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/767,663

Applicant(s)

ZIRUL ET AL.

Examiner

Charles Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 and 35 is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6, 8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Office Action for Amendment  
Received on 4/23/2004**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claim 18, the phrase "located within range of the location of the cellular telephone" renders the claim(s) indefinite because the claim include elements not actually disclosed (those encompassed by "or the type"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). (From Paragraph: 7.34.01). It is not clear the "location" is for the "range" or "location" is for the cellular telephone.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Solondz (US 6,192,248 B1).

Regarding **claim 31**, Solondz discloses a method comprising offering to provide commercial wireless carrier services to a potential cellular telephone subscriber at a first usage rate for a first telephone unrestricted incoming and outgoing call capability, by providing a system in a wireless system with user profile for each

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different mobile telephone, with different rates for the wireless terminals (abstract, Fig. 1), having the highest priority level without restriction (col. 2, lines 38-42, col. 2, line 56 to col. 3, line 16).

Solondz discloses the offering to provide a second usage rate for the second wireless terminal with priority restricted level, the third usage rate for the second telephone, and the accepting first rate for first wireless telephone terminal (the higher cost rate for higher priority level, in col. 2, line 56 to col. 3, line 16 and col. 2, lines 38-42; the determining of service level and rate for second and first wireless terminals in Fig. 4, steps 411, 416, 426, 428, col. 6, line 51 to col. 7, line 43).

Regarding **claim 32**, Solondz discloses the offering to provide commercial wireless service to wireless cellular terminal to potential subscriber at a third rate which is a rate below that of the second rate, as shown in col. 2, line 60 to col. 3, line 10, the most expensive rate, the premium service rate, the normal service rate, the basic service rate, and the most inexpensive economy service rate).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18, 23-26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis (US 6,542,733 B1) in view of Proietti (US 5,778,315).

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Regarding **claim 18**, Dennis teaches the internet 110 (Fig.1) for providing user with selectable options for operating cellular telephone 101 (Fig. 1), by changing, adding, the telephone phone numbers in the profile list, for configuring of personal dialing profile (abstract, col. 1, lines 8-11; col. 6, lines 15-27; col. 2, 38-42; col. 4, lines 52-54), the receiving a user selection for the cellular telephone from a subscriber (the user access and configure their personal profile information using personal computer PC data stored at service control point 112/database 113 of the wireless network 14 (col. 4, lines 55-63). The user selected option is certainly encoded into digital data stream for the technology of today for the communication link from PC to internet 110, SCP 112/database 13, the determining the geographical location of the cellular telephone (the geographical location in col. 8, lines 26-27; the user's location and correlating the calling parameters in the telephone number records (steps 206-305, Fig. 2). Besides, Dennis further teaches the incoming screening based on the automatic number identification ANI, and caller ID CID (col. 5, lines 36-52; col. 6, lines 4-7), the computer program in his claims 26-28.

Dennis teaches the transmitter having compatible protocol and located within the range of cellular telephone, the wireless network 104 determines the general location of the cellular telephone device 101, the determining of the user location depends upon the size of the area served by the cell site 105 and capability of antenna 106, having the compatible communication protocol, the in order to determine the required routing information (col. 3, lines 32-40). Dennis does not teach the transmitting the

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digital data stream including information for programming the cellular telephone for at least limiting telephone calls received by the cellular telephone and limiting calls made by the cellular telephone. However, Proietti teaches the transmitting programming information from control center 114 to program the cellular 214 with selected identity (col. 7, lines 26-55; col. 8, line 61 to col. 27), the limited number of calls, time, interval (col. 3, line 66 to col. 4, line 7, col. 1, lines 7-13), the limited incoming and outgoing calls (col. 9, lines 331-45). Proietti teaches an efficient technique for reducing the cost by sharing the cellular telephone subscription (col. 1, lines 35-49), the freeing up cellular telephone identity for use by another user (col. 4, lines 2-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Dennis with Proietti's transmitting, downloading, programming for programming cellular telephone with shared identity, such that the cellular telephone could reduce cost by sharing the cellular telephone subscription. Regarding **claim 23**, Dennis teaches the authenticating the identity of the subscriber using caller ID and ANI above (col. 5, lines 36-52; col. 6, lines 4-7).

Regarding **claim 24**, Proietti taught above in claim 18, the wireless network 104 with The limited number of calls (col. 3, line 66 to col. 4, line 7), for the incoming and outgoing calls (col. 9, lines 38-45), for receiving authorized incoming call (granted by service provider, abstract). Dennis has taught above the stored telephone numbers in personal profile information at the internet 110/database 113, for controlling the telephone number according to the personal profile information.

Regarding **claim 25**, Dennis has taught above the internet 110/database 113 having user modified dialing out personal profile for configuring of the communication

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device 101 (col. 1, lines 8-11, col. 2, lines 38-42) for the outgoing dialing telephone numbers.

Regarding **claim 26**, Dennis has taught above the internet 110/database 113 having the dialing/outgoing telephone numbers (col. 1, lines 8-11, col. 2, lines 38-42).

Dennis teaches the assigning of the abbreviated number or special code "\*01" for outgoing telephone numbers (as shown in col. 4, lines 22-40).

Regarding **claim 28**, Dennis teaches the time of not using the cellular telephone as shown in Fig. 4, the "accept if Tod between 9am-5pm, else forward to 2021113333" and "if Sat or Sun else forward to 2021113333.

Regarding **claim 29**, Dennis teaches the signal to indicate completion of data transmission, by prompting user to add new telephone number when next access from user (col. 5, lines 29-34). The handshaking signal for the acknowledgement of completion of data transmission is obviously well known in the technology of today.

Regarding **claim 30**, Dennis teaches the displaying an order confirmation upon receiving user selected option (the GUI display for displaying of personal profile including user selected telephone numbers, col. 5, lines 15-21).

4. Claims 19-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Proietti, as applied to claim 18 above, and further in view of Tabeta (US 6,085,079).

Regarding **claim 19**, Dennis and Proietti do not teach the signal indicating an incoming call, a signal indicating termination of the incoming call, the transmitting data on voice channel. However, Tabeta teaches signal indicating an incoming call, a

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signal indicating termination of the incoming call, the transmitting data on voice channel (in col. 14, lines 3-10, the call termination request indicating an incoming call on a control slot; the channel for voice data in col. 16, line 55 to col. 17, line 11).

Tabeta teaches the indication of incoming call and the channel assignment for multiple wireless mobile terminals for accessing a voice storage device (abstract, col. 1, lines 23-46), such that the user can efficiently sharing the voice data storage device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Dennis and Proietti with Tabeta's indication of incoming call and the channel assignment for multiple wireless mobile terminals for accessing a voice storage device, such that the user can efficiently sharing the voice data storage device.

Regarding **claim 20**, referring to Tabeta above for the indicating of termination of incoming call in col. 14., lines 3-10).

Regarding **claim 22**, referring to Tabeta above for the control channel for transmitting data (the predetermined slots for extracting voice data and control data by mobile frame processing circuit 203, col. 5, lines 57-63), as the data on the control time slot.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Proietti, as applied to claim 18 above, and further in view of Yokev-'517 A1.

Regarding **claim 21**, Dennis and Proietti do not teach the transmitting data using a control channel. Yokev above teaches the transmitting data using a control channel, as shown in Fig. 2b, the message code word from base station to remote mobile units (col. 5, lines 35-47). Yokev teaches an efficient improve ground-based technique for

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locating mobile vehicle under multi-path condition (col. 2, lines 8-42), such that the mobile vehicle can be efficiently located under multi-path condition. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Dennis and Proietti with Yokey's hopping short message for locating mobile vehicle, such that mobile vehicle can be efficiently located under multi-path condition.

6. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Proietti, as applied to claim 18 above, and further in view of Hansson (US 6,023,620).

Regarding **claim 27**, Dennis and Proietti do not teach the receiving request to install a program for operating the cellular telephone. Hansson teaches the request from subscriber to downloading/installing new software version to the cellular telephone 110 for operating the cellular telephone, as shown in abstract, Fig. 1-2, col. 1, lines 6-10, col. 2, lines 8-26; col. 2, lines 41-55. Hansson teaches the downloading new operating software program to cellular telephone to reduce the errors to improve the operating system (as shown in step 270, Fig. 2; col. 1, lines 34-50, upgrading software). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Dennis and Proietti with Hansson's downloading new operating software program, such that cellular telephone could improve the current operating program with the new operating program with less errors.

7. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solondz in view of Dennis (US 6,542,733 B1).

Regarding **claim 33**, Solondz does not teaches the web site selection option for configuring of a first telephone.

Dennis teaches the web site selection option for configuring of a first telephone (abstract, internet 110, personal computer 111 in Fig. 1; col. 2, lines 41-49) for the user can add telephone numbers and configure profile information using personal computer 111 connected to internet 110; the determining user location in step 206 and the configure call parameters in the telephone number record in steps 302, Fig. 3; the program sequence to enter new telephone number in col. 1, lines 54-63; the stored incoming telephone number for screening incoming calls based on the ANI, CID; the executable computer program for operating the system (col. 9, line 37 to col. 10, line 42). Dennis teaches an improved technique such that user can have the selection options for changing the parameters in the profile stored in the database 113 of the wireless network having connection to internet 110 (col. 1, line 54 to col. 2, line 12), such that the telephone calls could be efficiently routed based on the updated user profile information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Solondz with Dennis's user profile modification/selection and updating, adding, the telephone numbers in via internet/ personal computer, such that the telephone calls could be efficiently routed based on the updated user profile information.

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Regarding **claim 34**, Dennis teaches the internet to allow user to configure the second telephone having selective option for the data in the personal profile for handling the incoming, outgoing calls, such that each user may have one or more dialing profiles and each profile corresponds to more telecommunication device as shown in col. 6, lines 15-27.

*Claims Allowable*

8. Claims 1-17, 35 are allowable over the prior art of record.

The prior art fails to teach singly, particularly, or in combination, the subject matter for an apparatus, method, comprising a cellular telephone transceiver, a processor coupled to the transceiver, a first memory coupled to the processor and adapted for storage of a plurality of predetermined telephone numbers, a keypad having a plurality of user operable buttons coupled to the processor, a program accessible to the processor and having instructions adapted to causing the transceiver to dial a particular predetermined number selected from plurality of predetermined numbers upon operation of a button selected from the plurality of buttons, a second memory coupled to the processor and adapted for storage of information identifying one or more authorized telephone callers, a talk button coupled to processor, and a program accessible to the processor and having instructions adapted for causing the processor to generate a signal upon the transceiver detecting an incoming call from at least one of the one or more authorized telephone callers and adapted for not generating the signal upon detection of an incoming call from caller that is not at least one of the one or more authorized telephone callers, wherein the first memory is programmable by an authorized user to enter the plurality of predetermined telephone numbers and to

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control calls made by the apparatus; providing an internet web site having user selectable options for operating a cellular telephone, receiving a user selected options, encoding the user selected option into a digital data stream, forwarding the digital data stream to a transmitter having a communication protocol compatible with the cellular telephone and located within range of location of the cellular telephone, wirelessly transmitting the digital steam from the transmitter to the cellular telephone, the digital data stream including information for programming the cellular telephone for at least limiting telephone calls received by the cellular telephone and limiting telephone calls made by the cellular telephone, as shown in independent claims 1, 35. The dependent claims are also allowable due to their dependency upon the independent claims.

The closest patent to Atkins et al. (US 5,487,108) teaches the programming the predetermined authorized telephone number (abstract, col. 1, lines 44-48, col. 2, lines 48-60), memory has predetermined telephone number (col. 4, lines 33-36), remote radio transmission for programming predetermined authorized telephone number to replace the plug/socket 10 (col. 2, lines 54-60), by authorized parents (col. 2, lines 61-67). Atkins does not teach the memory has a first memory and a second memory for respective predetermined telephone numbers and information identifying one or more authorized callers, a talk button, a processor, a program accessible to processor and having instructions adapted for causing the processor to generate a signal upon detecting an authorized incoming caller and not to generate the signal upon detecting unauthorized caller.

Amin (US 6,567,671 B2) teaches the cellular telephone can maintaining updated

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screening list and specifying call handling, the personal computer 400 can transmits screening list (Fig. 2, Fig. 4) to a cellular telephone (Fig. 1, col. 2, lines 57-61; col. 5, lines 15-19, and program execution in col. 10, lines 41-65), for the screening the incoming calls. Amin does not teach the memory has first memory and second memory for respective predetermined telephone numbers and information identifying one or more authorized callers, a talk button, a program accessible to processor and having instructions adapted for transceiver to dial a particular predetermined telephone number selected from plurality of predetermined number upon operating one of the button, for dialing out a telephone number.

Dennis (US 6,542,733 B1) teaches controlling dialing out of the personal telephone by utilizing personal computer 111, internet 110 (Fig. 1), users add telephone numbers and configure profile information to wireless network via a internet (abstract, col. 1, lines 54-63; col. 2, lines 38-49; the personal dialing in col. 6, lines 15-27; computer program in col. 9 line 37 to col. 10, lines 42). Dennis does not teach the memory has first memory and second memory for respective predetermined telephone numbers and information identifying one or more authorized callers, a talk button, generating a signal upon detecting authorized caller and not generating a signal upon detecting an unauthorized caller, having instructions adapted for transceiver to dial a particular predetermined telephone number, the first memory is programmable by authorized user to enter predetermined telephone number.

Other patents, Bertocci et al. (US 6,148,213), Yokev et al. (US 5,583,517), and Haartsen (US 2002/0075,940 A1), are also considered but they do not teach the claimed features.

*Response to Arguments*

9. Applicant's arguments with respect to claims 18-34 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment for the no teachings from Solondz for the third usage rate for the second cellular telephone for call between the first and the second cellular telephones (middle paragraph in page 8 of applicant's remarks), Solondz does teach the determining of the call service level for the second mobile for a third usage rate [the third most expensive rate (3) Normal service with lower priority in col. 3, lines 1-4; the determining of the service usage rate of second mobile terminal in steps 426/428, Fig. 4, col. 7, lines 18-43; the determining of the service usage rate for the first mobile terminal in steps 414/416, col. 6, lines 47-62; the restricted service in col. 8, lines 19-26], the telephone call between the first and second mobile wireless terminal [the call establishment between mobile to mobile (402 in Fig. 4, col. 6, lines 17-26)].

Regarding claim 18, the ground of rejection has been changed by utilizing Dennis-'733 B1 and Proietti (US 5,778,315). Dennis teaches the transmitter having compatible protocol and located within the range of cellular telephone, the wireless network 104 determines the general location of the cellular telephone device 101, the determining of the user location depends upon the size of the area served by the cell site 105 and capability of antenna 106, having the compatible communication protocol, the in order to determine the required routing information (col. 3, lines 32-40).

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow

July, 12, 2004.

*Quochien B. Vuong* 7/12/04

**QUOCHIE B. VUONG**  
**PRIMARY EXAMINER**